



Federal Communications Commission  
Washington, D.C. 20554

September 18, 2018

Western Broadcasting Corporation of Puerto Rico, Inc.  
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WLII/WSUR License Partnership, G.P.  
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Re: WOLE-DT, Aguadilla, Puerto Rico  
File No. BALCDT-2018719AAQ  
Facility ID No. 71725

Counsel:

This letter is in reference to the unopposed, above-captioned application for assignment of the license of station WOLE(DT), Aguadilla, Puerto Rico (WOLE), from Western Broadcasting Corporation of Puerto Rico, Inc. (Western Broadcasting) to WLII/WSUR License Partnership, G.P. (Assignee). As part of its application, Assignee requests authority to continue to operate as a satellite of WLII(DT), Caguas, Puerto Rico, pursuant to the satellite exemption to the local television ownership rule.<sup>1</sup> For the reasons set forth below, we grant the request for satellite authority and the application.

In *Television Satellite Stations*,<sup>2</sup> the Commission established the requirement that all licensees seeking an exemption to application of the local television ownership rule pursuant to the satellite exemption comply with a three-part “presumptive” standard. The presumptive satellite exemption is met if the following three public interest criteria are satisfied: (1) there is no City Grade overlap between the parent and the satellite; (2) the proposed satellite would provide service to an underserved area; and (3) no alternative operator is ready and able to construct or to purchase and operate the satellite as a full-service station.<sup>3</sup> If an applicant does not qualify for the presumption, the Commission will evaluate the proposal on an *ad hoc* basis and grant the application if there are compelling circumstances that warrant approval.<sup>4</sup> We acknowledged in the *Quadrennial Report and Order* that “there is no digital counterpart to a station’s analog city grade contour” and, accordingly, stated that “consistent with case law developed after the

<sup>1</sup> See 47 C.F.R. 73.3555, Note 5; see also *Streamlined Reauthorization Procedures for Assigned or Transferred Television Satellite Stations*, Notice of Proposed Rulemaking, MB Docket Nos. 17-105, 18-63 (2018) (proposing to streamline the process for reauthorizing television satellite stations).

<sup>2</sup> *Television Satellite Station Review of Policies and Rules*, Report and Order, 6 FCC Rcd 4214, 4215 (1991) (subsequent history omitted) (“*Television Satellite Stations*”).

<sup>3</sup> *Id.* at 4213-14.

<sup>4</sup> *Id.* at 4212.

digital transition, we [will] evaluate all future requests for new or continued satellite status on an *ad hoc* basis.”<sup>5</sup>

Rather than seeking relief under the presumptive criteria set out in the *Television Satellite Stations*, the parties contend that good cause exists to grant an exemption under the *ad hoc* approach. In support of the request, Assignee asserts that WOLE has operated as a satellite of WLII under an attributable time brokerage agreement since January 1, 2015, due to a satellite exemption previously granted for geographic and economic reasons. Assignee mentions that the letter granting the previous satellite exemption found that the “mountainous terrain that divides Puerto Rico limits signal propagation and effectively prevents stations serving San Juan from reaching other population centers on the western side of the island.”<sup>6</sup> Assignee also states the Commission previously found that due to the generally poor economic conditions in Puerto Rico, it is difficult for entities to maintain full service stations in areas other than San Juan, particularly in the Mayaguez-Aguadilla region where WOLE is located.<sup>7</sup> Assignee further states that Puerto Rico’s median household income was \$20,078 in the latest census, which was conducted before Hurricane Maria hit the island and caused more than \$40.6 billion in economic losses. Therefore, Assignee claims that WOLE cannot be financially viable as a standalone station and can only be sold as a satellite.

While the instant request does not satisfy the criteria of the Commission’s presumptive satellite standard, we find that the applicants have set forth information sufficient to warrant satellite status for WOLE pursuant to our *ad hoc* analysis. We agree that the conditions have not changed or improved since grant of the previous exemption. The station is an underserved area, and due to devastation brought by Hurricane Maria furthering worsening Puerto Rico’s economic conditions, it is infeasible for the station to operate the station on a standalone basis.<sup>8</sup> Accordingly, we find that compelling reasons justify reauthorization of the satellite exemption, and that the continued operation of WOLE(DT), Aguadilla, Puerto Rico as a satellite of WLII(DT), Caguas, Puerto Rico, would be in the public interest. In view of the foregoing and having determined that Assignee is qualified in all respects, we find that a grant of the above-referenced applications would serve the public interest, convenience and necessity.

**ACCORDINGLY**, the request of WLII/WSUR License Partnership, G.P. for the continued operation of WOLE(DT), Aguadilla, Puerto Rico as a satellite of WLII(DT), Caguas, Puerto Rico, pursuant to the satellite exception to the duopoly rule, Section 73.3555, Note 5, of the Commission’s rules, **IS GRANTED**.

**FURTHERMORE**, the above-referenced applications for consent to assign the licenses of WOLE-DT, Aguadilla, Puerto Rico (File No. BALCDT-2018719AAQ) **IS GRANTED**.

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<sup>5</sup> 2014 Quadrennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996 et al., MB Docket No. 14-50, Report and Order, 31 FCC Rcd 9864, 9876 n. 72 (2016) (*Quadrennial Report and Order*), recon. granted in part and denied in part, 32 FCC Rcd 9802 (2017).

<sup>6</sup> See WOLE-DT, Aguadilla, Puerto Rico, Letter, 29 FCC Rcd 14927, 14929 (MB Vid. Div. 2014).

<sup>7</sup> Request for Continued Satellite Exemption, File No. BALCDT-20180719AAQ at 3 (filed August 30, 2018) (*Satellite Waiver Request*) (citing *Applications of Paxson Communications of San Juan, Inc. (Transferor) and LIN Television Corporation (Transferee)*, Memorandum Opinion and Order, 16 FCC Rcd 14139, 14142-44 (2001); *Application of Canal 48, Inc.*, Memorandum Opinion and Order, 8 FCC Rcd 2193, 2194 (1993)).

<sup>8</sup> *Satellite Waiver Request* at 4-5.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bara K', with a long horizontal flourish extending to the right.

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau